

# Notice of Allowability

Application No.

09/991,642

Examiner

Cheryl Juska

Applicant(s)

YONEDA ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 07-24-03.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

### DETAILED ACTION

1. The amendment filed on July 24, 2003 has been entered. Claims 1-20 have been amended as requested.
2. Said amendment is sufficient to withdraw the 112, 2<sup>nd</sup> rejections set forth in sections 1-5 of the last Office Action. Hence, as indicated in sections 7-9 of the last Office Action, claims 1-20 are allowed.
3. In response to applicant's remarks that the preamble term "artificial leather" is meant to "include both artificial leather and synthetic leather," which are distinguishable terms, the examiner respectfully disagrees. Applicant states "artificial leather is made from a specific nonwoven fabric that is comprised of a three-dimensional entangled nonwoven fabric and an elastomer, and synthetic leather is made from a fabric (e.g., a woven, a knit fabric) without the specific nonwoven fabric discussed above" (Amendment, page 7, 2<sup>nd</sup> paragraph). Applicant cites the specification at 7, lines 28-32 as support for the asserted definition of "synthetic leather."

However, this recitation from the specification states the following:

For adjusting the tensile tenacity of the napped leather-like sheet material, for adjusting the basis weight and/or thickness and for other purposes, a woven or knit fabric, a nonwoven fabric made of different fibers, film or like sheet material may also be integrated with the entangled nonwoven fabric by lamination, in any stage after web formation to completion of entanglement treatment.

Thus, it can be seen that (a) this passage does not describe a woven or knit fabric "*without* the specific nonwoven fabric" as asserted by applicant, but rather a woven, knit, or another nonwoven fabric laminated to "the specific nonwoven fabric," and (b) there is no explicit or implicit suggestion that this laminated structure constitutes "synthetic leather" as differentiated

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from "artificial leather." Therefore, there is nothing on record to establish that the claimed term "artificial leather" is distinguishable from the term "synthetic leather" and as such, the two terms are synonymous with each.

***Conclusion***

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
CHERYL A. JUSKA  
PRIMARY EXAMINER